

Testimony from the Wisconsin Land Information Association

To the Senate Committee on Ethics Reform and Government Operations

Pertaining to SB507

February 10, 2010

Chairman Risser, Senator Erpenbach and members of the committee, thank you for the opportunity to appear here today to provide additional information that may assist you in your deliberations regarding senate bill 507.

My name is David Mockert and I am here today representing the membership of the Wisconsin Land Information Association (WLIA). The WLIA membership is in favor of the flat fee for recorded documents as it provides the register of deeds with a simplified and standard structure which will benefit counties by providing additional funding to their land information programs.

History:

Founded in 1987, the Wisconsin Land Information Association (WLIA) is a grassroots organization representing a collection of concerned professionals working to develop, maintain, and apply a network of statewide land information systems. The WLIA has over 500 members, representing a diverse group of professionals from Federal, State, County, Tribal and local government, Regional Planning Agencies, academia, utilities and private industry.

We are united by an interest in land records modernization, Geographic Information Systems (GIS) and related technologies, and by the need for government policies and programs that support their efficient and effective application.

The mission for the Wisconsin Land Information Association is to foster the understanding, development, and use of integrated land information systems to benefit the citizens of Wisconsin. Our goal is to support the building and maintaining of land information systems and we continually promote the sharing of land information resources to foster the development of statewide land information systems.

The WLIA works closely with other organizations that are also providing testimony today such as the Land Information Officer's Network (LION) and the Wisconsin Register of Deeds Association (WRD).

The WLIA is interested in this bill as it will directly affect our membership through the changing of the fee structure, the redaction of social security numbers from electronic documents, as well as the proposed changes to the Wisconsin Land Information Program (WLIP).

A brief history of the Wisconsin Land Information Program (WLIP) –

In 1989, the Wisconsin Land Information Program (WLIP) was created to provide a mechanism for local land records modernization and coordination of state agency GISs. Through a segregated fee collected for transactions in local deeds registries, the program has provided over \$30 million to local units of government for GIS and related land information technology implementation. Considerable additional investment has also been made by most counties to fund land records modernization.

Funding from the WLIP is used for the creation and maintenance of digital land records and computer mapping systems (commonly referred to as Geographic Information Systems or GIS) that utilize this

information. For instance, the parcel data that is created and maintained by a county is used by many operations within government, including but not limited to emergency management operations, public works, planning and zoning, as well as by private sector entities such as realtors and title companies.

This bill will provide improvements to the existing land information program and we applaud the legislature in helping counties improve land records modernization within the state.

It should be noted that the WLIA meets monthly with the Department of Administration (DOA) to review the status of the WLIP program monies, and also works with DOA to identify other grant opportunities available.

Resolutions by counties in support of Flat Fee legislation

There is broad based support for flat fee legislation as demonstrated by the fact that to date, 27 counties in WI have passed resolutions in favor of moving to a \$25 flat fee structure for the Real Estate Recording Fee collected under State Statute 59.43.

Concerns regarding items in the bill

Despite the support of the flat fee structure, the WLIA membership has voiced a number of concerns regarding the current bill. The main concerns are in relation to the proposed structure of the land councils and the extent of the social security number redaction on electronic documents.

The WLIA would like to offer of assistance to work with the legislature on the additional amendments in this bill. We recognize the intent of the bill to set a flat fee which would make it easier for Title Companies, banks, etc. to know exactly how much money it would take to record a document but want to be clear on how the additional amendments may affect our membership.

Conclusion

In conclusion, I would like to reiterate that the flat fee structure for the register of deeds would be an improvement over the current structure by providing a simplified and standard fee for recording documents.

The WLIA membership will be working together at our annual conference in Appleton in a few weeks to address this bill and its impacts to our community and land records modernization throughout the State of Wisconsin.

I hope that my remarks provide the committee with some information regarding the land information program and helpful information to move this important piece of legislation forward. Please let me know if I or WLIA can be of assistance as you deliberate SB 507.



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

MEMORANDUM

TO: Honorable members of the Senate Committee on Ethics Reform and Government Operations

FROM: David Callender, Legislative Associate

DATE: February 10, 2010

SUBJECT: Support for Senate Bill 507 *De*

The Wisconsin Counties Association supports Senate Bill 507. The Wisconsin Counties Association platform adopted at the annual WCA conference in La Crosse last year specifically supports a flat fee for the recording of documents. This position has also been endorsed by the WCA Board of Directors and the WCA County Organization and Personnel Steering Committee.

Senate Bill 507 imposes a flat fee on the recording of documents in order to fund much-needed county services and to protect the public from the disclosure of personal information via the Internet. WCA believes the flat-fee will be easier to use for members of the public recording of deeds and other documents and will reduce required staff time. The additional revenues generated by the flat fee will be used to fund improvements in land information systems, a process that will be overseen by those who rely most on these records.

WCA has worked closely with the Wisconsin Register of Deeds Association, the Wisconsin Land Information Officers Network and the Wisconsin Realtors Association in the development of this legislation.

WCA respectfully requests the Committee to support Senate Bill 507.

Please feel free to contact WCA if you have any further questions.

REGISTER OF DEEDS

Brown County



305 E. WALNUT STREET
P. O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600
PHONE (920) 448-4470 FAX (920) 448-4449
E-Mail: williquette_ca@co.brown.wi.us

CATHY LINDSAY WILLIQUETTE CPM
Register of Deeds

February 10, 2010

Committee on Ethics Reform and Government Operations
Re: Senate Bill 507

Honorable Senator Risser and Committee Members:

Thank you for the privilege to testify in support of **Senate Bill 507** on behalf of Brown County. I would also like to personally thank the author of this bill, Senator Erpenbach, and Senators Risser and Kreitlow for co-sponsoring.

I have personally worked on research and garnering support for the provisions in Senate Bill 507 for nearly two years. My journey began in early 2008 when meeting with our county land information office, of which I am vice-chair. We were seeking ways to simplify the recording fee collected in the register of deeds office and to address the revenue shortfall many counties, like Brown, were experiencing due to the decline in real estate recordings.

Currently the recording fee is \$11 for the first page, plus \$2 for each additional page. To derive a fair "flat fee", I personally surveyed all 72 counties and discovered that the average page document is 3.8 pages statewide. I also surveyed the surrounding states and discovered that the fees charged in Wisconsin were considerably lower. Michigan charges \$14 plus \$3, Illinois \$36, Iowa \$9 plus \$5 plus \$5 for deeds, and Minnesota \$46. With that information available, the Brown County Board of Supervisors unanimously adopted a resolution to change the current per page recording fee to "flat fee" of \$25 per document on July 16, 2008 and sent copies of the resolution to all other Wisconsin Counties in hopes they too would adopt a similar resolution. To date, 27 counties have adopted resolutions, with many more in discussion about it (see attached).

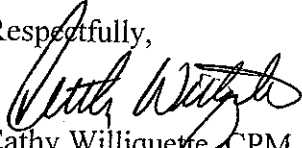
Last year members of the WRDA met with Senator Erpenbach and Rep. Marlin Schneider to address identity concerns with records that Register of Deeds are allowed by law to post on-line which may contain social security numbers. An agreement was reached to combine the merits of both the "flat fee" proposal and redaction of social security numbers into a single piece of legislation. To fund the redaction initiative an additional fee of \$5 per document was added to the bill, increasing the "flat fee" to \$30. It should be noted that the \$5 redaction fee was not included in the aforementioned "flat fee" ordinances adopted by county boards. If the county uses \$5 of the fee to redact social security numbers, the \$30 fee reverts to \$25 upon the earliest of the following: (1) completion of redaction; (2) January 1, 2012, unless an extension of time is granted by DOA; or (3) January 1, 2015.

The Highlights of Senate Bill 507 are:

- Makes counties more accountable for the moneys they spend on land records modernization and requires their annual reports to be posted on the Internet.
- Allows DOA to suspend land records grants and retention of fees if counties are spending funds for unauthorized purposes.
- Safeguards Wisconsin citizens by directing Register of Deeds to redact personal Social Security numbers from public documents posted on the Internet.
- Changes the fee structure for recording documents with the Register of Deeds from the now confusing "per page" structure to a "flat fee".
- Requires counties with a county assessor to post, on the Internet, land records that identify the zoning classification of individual parcels.
- Identifies the makeup of the county land information council.

In addition to making the recording fees easier to understand and uniform statewide, this bill directs counties to make more of their land records accessible on the Internet. Requiring the redaction of Social Security numbers will help to deter identity theft.

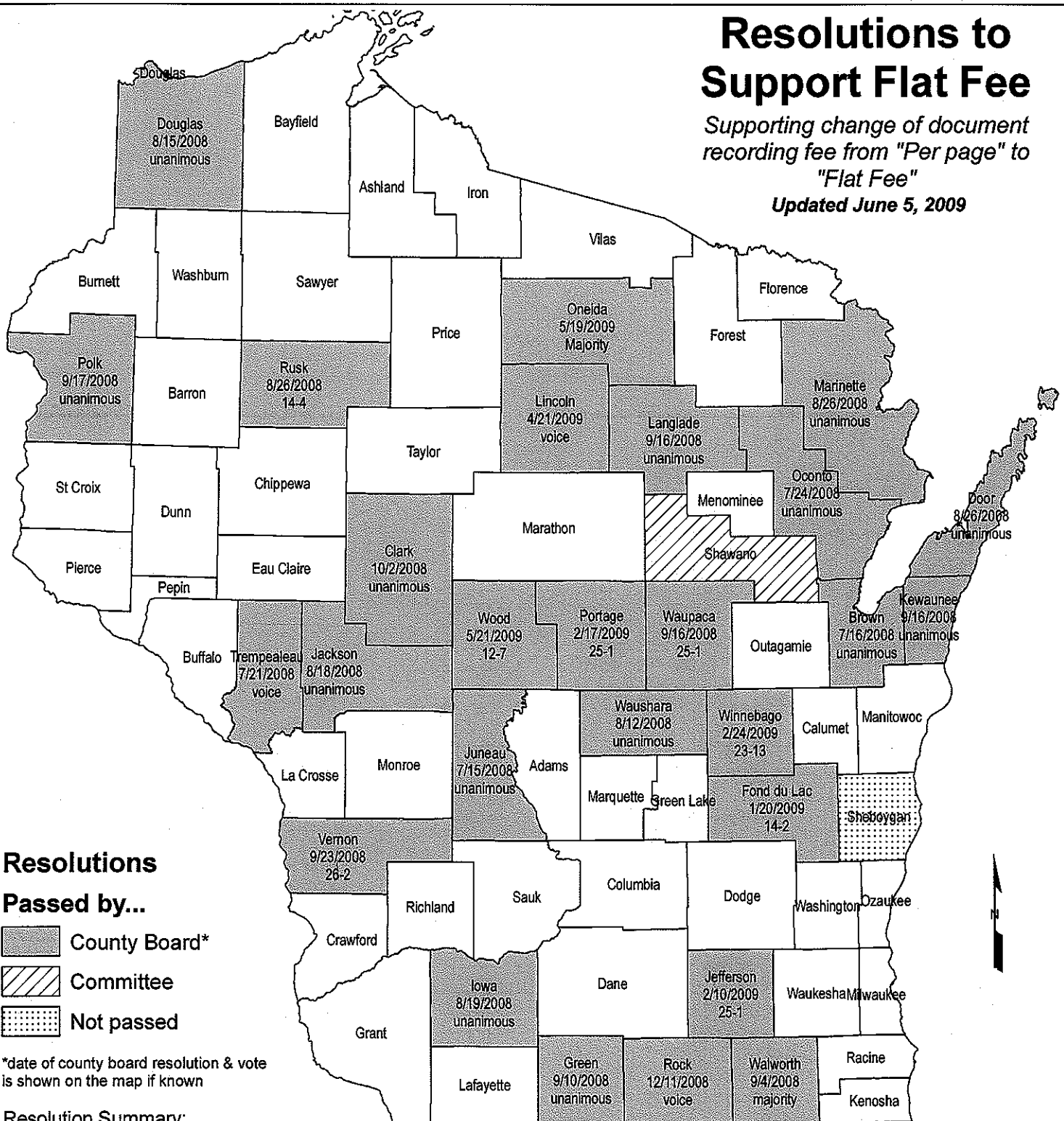
Respectfully,


Cathy Williquette, CPM
Register of Deeds
Brown County, Wisconsin

Resolutions to Support Flat Fee

Supporting change of document recording fee from "Per page" to "Flat Fee"

Updated June 5, 2009



Resolutions

Passed by...

- County Board*
- Committee
- Not passed

*date of county board resolution & vote is shown on the map if known

Resolution Summary:

Real Estate Recording Fee collected under State Statute 59.43 (2) (ag) be changed to a flat fee of \$25 per document and that the distribution of the fee under State Statute 59.72 (5)(a) be changed to \$10 to the Department of Administration; 59.72(5)(b) changed to a County may retain \$8 of the \$10 if the County has established a Land Information Office under sub. 3; and change 59.72(5)(b)(3) to the county uses \$6 of each \$8 fee retained under this paragraph to develop, implement, and maintain the countywide plan for land records modernization and \$2 of each \$8 fee retained for the provision of land information on the Internet.

Current & Proposed Recording Fees

Current

\$11 for the first page, plus \$2 each additional page

Breakdown as follows:

\$11 first page

\$2 DOA (State)

\$4 County LIO

\$1 County Public Access Fund

\$4 County General Purpose**

\$2 additional pages

\$6.80 (average per/doc based on 4.4 average pages/doc) to County General Fund**

Proposed

\$25 flat fee per document

Breakdown as follows:

- o \$2 DOA (State);
- o \$6 County LIO;
- o \$2 County Public Access Fund;
- o \$15 County General Purpose**;

*Most counties place this in a general fund, but some are specific accounts
**Recordings average about 4 pages/document in all counties analyzed

The Wisconsin County Surveyors Association at our Annual Meeting, February 3, 2010, passed the following motion that the Wisconsin County Surveyors Association is opposed to seeking the \$5 redaction fee for any other purpose. Seconded.after considerable discussion the question was called. The motion carried. We are in favor of our Registers of Deeds moving forward with this bill with one exception.

Under Section 13. 59.72(3M) Land Information Council - it was moved that we oppose the draft bill for the creation of a Land Council without a County Surveyor representative. The motion was seconded and carried. We believe there are enough committees in each county to handle these responsibilities. Each county is unique and does not really require that much oversight. But to set up a panel to discuss land descriptions and issues relating to land without the county surveyor, the person closest to the source, is unreasonable and ill-advised.

Dan Frick made a motion for the Wisconsin County Surveyors Association to support the Wisconsin Society of Land Surveyors in lobbying and discussing the development of funded remonumentation and maintenance of the Public Land Survey System. Motion was seconded and carried. Our 'considerable discussion' in the first paragraph was focused on the \$5 redaction fee for the social security numbers and what could happen to it after that job was done. This discussion has been going on since we first saw the start of this particular legislation.

The United States Public Land Survey System (PLSS) was created by the Continental Congress in 1785. It was and still is the largest, most ambitious boundary survey effort in the history of the world. With the Louisiana Purchase, the fledgling United States had land but no money. Thomas Jefferson, et al, proceeded to implement a plan of rectangular properties to be able to sell the land with as little confusion as possible and for the most part it has worked very well.

The mainstay of this system is that the control corner set by the original surveyor is correct, even if not perfect in its measurement. The reasoning is that the settlers could find these monuments and determine their boundaries easier than if they had to measure from a location many miles away. We have many statutes and Supreme Court decisions on evidence showing the monuments in their original location will control over all other types of evidence. This is the true basis for our private property rights from which much of our nations' wealth has been produced.

I see others wishing for the grants mentioned in here to be sent to them and I can understand that sentiment, as each of their functions is a step in achieving what we all want. I believe what we want is an accurate, relevant and functioning GIS, sometimes called a Geographic Information System. This type of system is based on scaled maps being related to actual places on the ground that can be defined and located with a repeatable accuracy and dependability. That cannot be accomplished without the solid foundation of the section corners being in the ground. We hear of the 'coordinates' but in truth they are used to get us to the monument so we can measure from the corner. Coordinates come from many sources, some more reliable than others, to the point where our GISystems are being abused. Sometimes maliciously, sometimes innocently.

This brings me back to this bill in which records are being shown to be very important and I agree, they are. Please send this bill on but remember that the foundation for these records needs more care than it has been given for the last century. We can still get it back in shape but not for free. So if you really want records and a system that works, GIS actually stands for GET IT SURVEYED!

Bruce D. Bowden, President, Wisconsin County Surveyors Association Feb 8, 2010

Michael J. Romportl
Land Information Director

Gary Baier
Chair Land Records Committee

Peter Wolk
Land Records Committee Member

David O'Melia
Land Records Committee Member

ONEIDA COUNTY
LAND INFORMATION OFFICE

P.O. Box 400
1 Courthouse Square
Rhineland, Wisconsin 54501-0400

Telephone (715) 369-6179

Fax (715) 369-6277

Office E-mail lio@co.oneida.wi.us

Real Property Listing, County Surveyor, Addressing,
GIS

www.co.oneida.wi.us
Quick Link on Land Records System

Sonny Paszak
Land Records Committee Member

Denny Thompson
Land Records Committee Member

February 10, 2010

Senator Jim Holperin
State Capitol, Rm 409 South
PO Box 7882
Madison WI 54707-7882

Re: SB 507

Dear Senator Holperin:

The Oneida County Board of Supervisors of the Land Records Committee discussed the impact of proposed Senate Bill 507 relating to a 'flat fee' for recordings in the Register of Deeds and other changes to the land information program. The Committee directed us to send a letter to you indicating that Oneida County is opposed to this bill as written.

The Committee **supports** the portion of the bill that refers to the Register of Deeds "**flat fee and redaction fee**" provided that the allocation of those fees remain as stated in the bill.

The Committee is opposed to the changes in the land information program relating to creation of a land council and other parts of the bill affecting the land information program.

The current statutes already dictate how the land information program is to be run at the County level and the Committee does not feel any changes are needed. The Oneida County Land Records Internet site, which has been authorized by the Oneida County Board of Supervisors, provides a wide variety of land records on the Internet and is used by many public and private entities. It is the highest used site on our website. Oneida County has input and support from county departments, and private and public entities who use or create our land records. This input and support guides us in responding to user needs which contributes to our successful land records program in Oneida County.

Again we kindly ask that you do not support this bill as written, but ask for support of the flat fee and redaction fee proposal.

Thank you for taking our point of view under consideration.

Sincerely,

Gary Baier
Chair Land Records Committee

Michael J Romportl
Land Information Director

Thomas Leighton
Register of Deeds

CC: Senator Fred Risser, Chair Ethics Reform and Government Operations